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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKEHIKO TOJO, ET AL. : EXAMINER: RUNNING, R.
SERIAL NO: 10/560,044 :
FILED: DECEMBER 8, 2005 : GROUP ART UNIT: 3732
FOR: HAIR HOLDER :

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement dated April 22, 2008, Applicants provisionally elect, with traverse, Group I, drawn to Figures 1 and 2, and indicate Claims 1, 3, 5, 7-9, and 14-16 as corresponding to the elected species. Applicants make this provisional election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Furthermore, although the Election of Species requirement asserts that the species requires different fields of search, the requirement has not shown “by appropriate explanation” how the various species require different fields of search. See M.P.E.P. § 808.02.

The claims of the present invention would appear to be part of an overlapping field of search, as it appears that all of the claims would be classified in classes 132 and D28, and a minimal number of subclasses.¹ Additionally, even if the method claims are classified in

¹ These classes were searched for the Office Action dated December 12, 2007.